

Appl. No. 10/776,839
Docket No. CM2725MQ
Amdt. dated February 5, 2007
Reply to Office Action mailed on October 5, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1-10 are pending in the present application. No additional claims fee is believed to be due.

The Rejection under 35 U.S.C. 102(b) over Tanzer

Claims 1-5, 7, and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tanzer, et al., U.S. Patent No. 5,425,725 (hereinafter "Tanzer"). Applicants respectfully traverse this rejection as Tanzer does not teach a layer of thermoplastic material comprising a first surface and a second surface wherein portions of the second surface of the layer of thermoplastic material are in direct contact with the first surface of the substrate layer and portions of the second surface of the the layer of thermoplastic material are in direct contact with the first surface of the discontinuous layer of absorbent material.

The Office Action states that Tanzer teaches a layer of thermoplastic material, wherein portions of the second surface of the layer of thermoplastic material are in direct contact with the first surface of the substrate layer and portions of the second surface of the layer of thermoplastic material are in direct contact with the first surface of the discontinuous layer of absorbent material. Applicants respectfully disagree. Tanzer does not teach a thermoplastic layer as taught and claimed in the present invention. Rather, Tanzer teaches a first carrier layer and a second carrier layer, wherein a carrier attaching mechanism secures together the carrier layers to provide substantially attached zones and a multiplicity of substantially unattached zones (see Abstract). The Office Action incorrectly concludes that the thermoplastic layer of the present invention is the same as the carrier layer (98) of the Tanzer invention.

The thermoplastic layer taught and claimed in the present invention can comprise thermoplastic materials, as described throughout the specification (see Page 11, line 26-Page 14, line 29). The thermoplastic layer and the materials that comprise them do not act as the carrier layer (98) of the Tanzer patent. Furthermore, as exemplified by Figure 6

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in the present invention, when two substrate layers (carrier layers) are present, they do not come in contact with each other. Thus, the substrate layers of the present invention do not provide substantially attached zones and substantially unattached zones.

Applicants contend that the Tanzer reference does not anticipate Applicants' Claims 1-5, 7, and 9, as the Tanzer patent does not teach a layer of thermoplastic material as claimed in the present invention. Therefore, Applicants contend that the present invention is novel in view of Tanzer and that the rejection should be withdrawn.

The Rejection under 35 U.S.C. 103(a) over Tanzer

Claims 6, 8, and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tanzer, et al., U.S. Patent No. 5,425,725 (hereinafter "Tanzer"). Applicants respectfully traverse this rejection, as the reference does not establish a *prima facie* case of obviousness. Specifically, the reference does not teach or suggest all of Applicants' claim limitations, as required under MPEP 2143.03.

As discussed above, Tanzer does not teach or suggest a layer of thermoplastic material comprising a first surface and a second surface wherein portions of the second surface of the layer of thermoplastic material are in direct contact with the first surface of the substrate layer and portions of the second surface of the the layer of thermoplastic material are in direct contact with the first surface of the discontinuous layer of absorbent material. As Tanzer does not teach or suggest a thermoplastic layer as taught and claimed in the present invention, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

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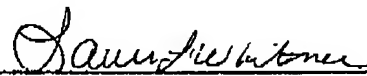
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Conclusion

In light of the above remarks, it the Office's rejection is now believed to be moot.
Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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February 5, 2007
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